

Case No.: 92-2022

Decision Date: 4/11/2023

Hearing History:

Hearing 04/11/2023

Hearing 01/24/2023

**BOARD OF ADJUSTMENT ZONING APPEALS  
CITY AND COUNTY OF DENVER  
201 West Colfax Avenue, Department 201  
Denver CO, 80202**

**PREMISES AFFECTED:** 9125 East Floyd Avenue  
**LEGAL DESCRIPTION:** Lot 7, Block 7, Hampden Heights Second Filing

**APPELLANT(S)** Julie Dill, 9125 East Floyd Avenue, Denver, CO 80231  
**Filed By:** Sarah Murrow, 6708 West 44th Avenue, Wheatridge, CO 80033

**APPEARANCES:**

**APPELLANT:** Julie Dill & Lee Dill, 9125 East Floyd Avenue, Denver, CO 80231  
Wayne Haefele, 17938 West 86th Avenue, Arvada, CO 80007  
Sarah Murrow, 6875 West 84th Way, Unit 13, Arvada CO 80003  
Power of Attorney Filed

**FOR THE CITY:** Ron Jones, Zoning Representative  
Nate Lucero, Senior Assistant City Attorney

**SUBJECT:**

Appeal of a denial of a permit to erect a Detached Garage exceeding the maximum height by 5.7 feet (17 foot maximum height permitted), projecting 2.7 feet beyond the west bulk plane, and resulting in a substantial regrading within the side interior setback from the proposed structure's foundation backfill, in an S-SU-F zone (AS AMENDED 3/30/23)

**ACTION OF THE BOARD:**

The denial is found to be proper. However, THE VARIANCE IS GRANTED IN PART to allow the Detached Garage to exceed the maximum height by 5.7 feet (17 foot maximum height permitted), according to the plans (Exhibit 6.B.) and the testimony at the hearing.

The request for a variance is DENIED as to the projection through the west bulk plane and the substantial regrading within the side interior setback from the proposed structure's foundation backfill. The request is denied by operation of law, for failure of the motion in favor of the request to obtain the four concurring votes required to overturn the administrator or to decide in favor of the applicant under Section 12.2.6.9.A. DZC. The Appellants have 20 days in which to request a Reconsideration if they believe there is new evidence of hardship which was not or could not have been presented at the hearing, or 28 days to appeal this decision to Denver District Court. Questions about this decision may be addressed to Austin Keithler, 720-913-3050, at the Board's office.

NOTE: The Board-approved plans may be picked up at the Board of Adjustment's office, 201 West Colfax, Dept. 201, Denver, CO 80202, 720-913-3050. These approved plans MUST be submitted to the Development Services Log-In counter when applying for final construction permits for this project.

BOARD OF ADJUSTMENT FOR ZONING APPEALS  
Ignacio Correa-Ortiz, Chair

*Austin Keithler*

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Austin E Keithler, Director

**THIS ACTION BY THE BOARD OF ADJUSTMENT IS NOT A ZONING OR BUILDING PERMIT. YOU SHOULD CONTACT/RECONTACT THE ZONING AND BUILDING DEPARTMENTS BEFORE BEGINNING CONSTRUCTION, TO DETERMINE WHETHER ADDITIONAL LAWS OR REGULATIONS APPLY TO YOUR PROJECT AND TO OBTAIN THE NECESSARY PERMITS.**

**NOTE!! THIS VARIANCE WILL EXPIRE: UNLESS PERMITS ARE OBTAINED AND CONSTRUCTION IS STARTED WITHIN THREE (3) YEARS, AND COMPLETED WITHIN FIVE (5) YEARS.**